

REMARKS

Claims 1-15 have been examined. With this amendment, Applicants add claims 16 and 17. Claims 1-17 are all the claims pending in the application.

I. Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1 and 15 under 35 U.S.C. 102(a) as being anticipated by Hiyama et al. (US 5,361,203) [“Hiyama”]. For at least the following reasons, Applicants traverse the rejection.

Claim 1 recites that the reversible compressed image data, an original image data, and irreversible compressed image data “stand for multiple versions of image data” and that a “display terminal is provided with an input means capable of receiving specification of the version of the image data.” The Examiner does not specifically comment on the claimed receiving specification of the version of the image data, but in the comments for claim 3, the Examiner contends that the patient data is added to each version of the image data.

Hiyama discloses that patient data is added to the compressed image data (col. 5, lines 25-26). Hiyama also discloses that the patient data is patient ID data, examination ID data, or patient name data (fig. 7, and col. 5, lines 48-50).

Applicants submit that the patient data would be common to all the compressed image data, and therefore, the patient data is unrelated to the version of the image as described by states of compression. Accordingly, the patient data does not provide a specification of the version of the image data (a non-limiting example would be information that identifies the compression

ratio of the image data). Therefore, Hiyama does not disclose or suggest at least this element of claim 1.

Because claim 15 is dependent on claim 1, Applicants submit that claim 15 is patentable at least by virtue of its dependency.

II. Claim Rejections - 35 USC § 103

The Examiner has rejected claims 2-7, 11, 12 and 14 under 35 U.S.C. 103(a) as being unpatentable over Hiyama in view of Aono et al. (US 5,267,333) ["Aono"]. For at least the following reasons, Applicants traverse the rejection.

Claim 2 recites that the "storage control means is capable of changing a compression ratio of said irreversible compressed image data." The Examiner concedes that Hiyama does not disclose changing the compression ratio, but applies Aono to allegedly cure the deficiency. The Examiner contends that because Aono discloses an apparatus that can adopt a large compression ratio, it would have been obvious for one skilled in the art "to change the compression ratio of the irreversible compressed image data to a large [ratio] as taught by Aono in the compression system of Hiyama."

Applicants submit that even if the "large compression ratio" of Aono was substituted into the system of Hiyama, there would still not be "changing a compression ratio" as set forth in claim 2 since Aono does not disclose that the compression ratio of an irreversibly compressed image data can be changed.

If the Examiner is speculating that the "large compression ratio" of Aono be added to the system of Hiyama and a selection can then be made, then Applicants submit that this speculation

is without support in the prior art since neither Aono nor Hiyama disclose or suggest a “storage control means [that] is capable of changing a compression ratio of said irreversible compressed image data.” (emphasis added).

In addition, the Examiner’s proffered reason for combining the references is without quantitative support in the prior art. For example, it is possible that the compression ratio of Hiyama is equal to or even larger than the “large compression ratio” of Aono. Therefore, Applicants submit that one skilled in the art would not have combined the references as suggested by the Examiner because there is no quantitative disclosure that the compression ratio of Aono is larger as suggested by the Examiner.

Because Aono does not cure the deficient teachings of Hiyama as set forth in claim 1, Applicants submit that claims 2-7, 11 and 12 are patentable at least by virtue of their respective dependencies.

In addition, claims 5 and 12 recite a “progressively extractable data-compression process.” The Examiner cites figs. 8 and 10 of Hiyama, but does not explain how these figures disclose the claimed combination. Applicants submit that Hiyama and Aono (alone or in combination) disclose, at most, a simple compression/expansion process and not the claimed progressively extractable data-compression process as set forth in claims 5 and 12.

Claim 11 recites that the compression ratio is 1/5 to 1/50. The Examiner concedes that neither Hiyama nor Aono disclose or suggest the claimed range, but contends that the ratio would have been a matter of design choice. Applicants submit that the Examiner’s contention,

which appears to be mere speculation, is not evidence in the record as required by *Zurko*. See *In re Zurko*, 59 USPQ2d 1693 (Fed. Cir. 2001).

Because claim 14 recites features similar to those in claims 1 and 2, Applicants submit that claim 14 is patentable for at least reasons similar to those set forth in claims 1 and 2.

III. Allowable Subject Matter

Applicants thank the Examiner for finding allowable subject matter in claims 8-10 and 13 and for indicating that they would be allowable if rewritten in independent form. Applicants hold rewriting these claims in abeyance until the subject matter regarding their base claims is resolved.

In the reason for allowance, the Examiner does not accurately quote the subject matter of claim 10, therefore, Applicants submit that the subject matter in these claims is allowable based on its own language, and not based on any paraphrasing or addition of language that may be made by the Examiner.

IV. New Claims

With this amendment, Applicants add claims 16 and 17. Applicants submit that these claims are patentable at least by virtue of their dependency on claim 1, as well as the features set forth therein.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

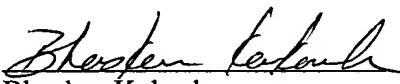
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